

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**CHARLES SUNNYCALB,**

**Case No. 1:10-192**

**Plaintiff,**

**v.**

**CSX TRANSPORTATION, INC.,**

**Defendant**

**SPECIAL VERDICTS**

**We, the Jury, unanimously determine the Special Verdicts as follows:**

**1. Did plaintiff prove by the greater weight of the legal evidence that he was injured on April 2, 2007, while serving as the engineer of Locomotive CSXT 8160?**

**YES**   X   **NO**           

**If your answer to Special Verdict No. 1 is "Yes," please answer Special Verdict No. 2. If your answer to Special Verdict No. 1 is "No," please**

**sign the Special Verdict form and notify the Courtroom Deputy that you have completed your deliberations.**

**2. Did plaintiff prove by the greater weight of the legal evidence that on April 2, 2007, while serving as the engineer of Locomotive CSXT 8160 he was exposed to chlorine or chlorine containing compounds?**

**YES**   X   **NO** \_\_\_\_\_

**If your answer to Special Verdict No. 2 is "Yes," please answer Special Verdict No. 3. If your answer to Special Verdict No. 2 is "No," please sign the Special Verdict form and notify the Courtroom Deputy that you have completed your deliberations.**

**3. Did plaintiff prove by the greater weight of the legal evidence that his exposure to chlorine or chlorine containing compounds on April 2, 2007 played a part, no matter how small, in bringing about any of plaintiff's alleged injuries?**

**YES**   X   **NO** \_\_\_\_\_

**If your answer to Special Verdict No. 3 is "Yes," please answer Special Verdict No. 4. If your answer to Special Verdict No. 3 is "No," please sign the Special Verdict form and notify the Courtroom Deputy that you have completed your deliberations.**

**4. Did plaintiff prove by the greater weight of the legal evidence that his exposure to chlorine or chlorine containing compounds on April 2, 2007 played a part, no matter how small, in causing him to contract RADS?**

**YES**   X   **NO**           

**If your answer to Special Verdict No. 4 is "Yes," please answer Special Verdict No. 5. If your answer to Special Verdict No. 4 is "No," please answer Special Verdict No. 6.**

**5. Did plaintiff prove by the greater weight of the legal evidence that he suffered damages as a result of contracting RADS?**

**YES**   X   **NO**           

**Please proceed to Special Verdict No. 6.**

**6. Did plaintiff prove by the greater weight of the legal evidence that he suffered damages resulting from contracting any injury?**

**YES**   X   **NO**           

**If your answer to Special Verdict No. 5 or Special Verdict No. 6 is "Yes," please answer Special Verdict No. 7. If your answer to Special Verdict No. 5 and Special Verdict No. 6 is "No," please sign the Special Verdict form and notify the Courtroom Deputy that you have completed your deliberations.**

**7. State the total amount of damages plaintiff has proved by the greater weight of the legal evidence to which you find Charles Sunnycalb is entitled, itemized as follows:**

**After tax wages and fringe benefits  
plaintiff has lost, if any from  
April 2, 2007 to date:**

**\$**   250,190  

**The physical and mental/emotional  
pain and suffering and disability/loss  
of a normal life from April 2, 2007  
to the date of your verdict, if any:**

**\$**   250,000

**Future physical and mental/emotional pain and suffering and disability/loss of a normal life from the date of your verdict for the period of time you find the plaintiff will suffer same, if any:**

**\$** 360,000

**The present value of the after tax wages, fringe benefits and retirement benefits which plaintiff is reasonably certain to lose in the future, if any:**

**\$** 653,916

**The present value of prescription medication plaintiff is reasonably certain to need and receive in the future, if any:**

**\$** 108,000

**Total:**

**\$** 1,622,106

8. Of the total damages identified in response to Special Verdict No. 7, what percentages are attributable to the following causes:

The defects in Locomotive CSXT 8160 100 %

Other causes, if any (please list):

\_\_\_\_\_  
\_\_\_\_\_

Total 100 %

Please sign and date the Special Verdicts.

s/Juror #1

s/Juror #5

s/Juror #2

s/Juror #6

s/Juror #3

s/Juror #7

s/Juror #4

s/Juror #8

9-7-2012  
Date